United Nations A/AC.109/2017/6*

General Assembly

Distr.: General
28 March 2017

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Falkland Islands (Malvinas)**

Working paper prepared by the Secretariat

Contents

		Page
I.	General	3
II.	Constitutional and political issues	3
III.	Budget	4
IV.	Economic conditions	4
	A. General	4
	B. Fisheries and agriculture	5
	C. Tourism	5
	D. Transport, communications and utilities	5
	E. Environment and hydrocarbons	6
V.	Social conditions	8
	A. General	8

* Reissued for technical reasons on 1 May 2017.

** A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas) (see ST/CS/SER.A/42).

Note: The information contained in the present working paper has been derived from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations on 8 December 2016, in addition to information provided by the Government of Argentina and that available in public sources. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

17-04988* (E) 030517

Please recycle

B. Public health 9
C. Social security and welfare 9
D. Education 9
VI. Mine clearance and related matters 9
VII. Bilateral developments in 2016 10
VIII. Participation in international organizations and arrangements 10
IX. Consideration by intergovernmental organizations and forums 11
X. Future status of the Territory 12
A. Position of the administering Power 12
B. Position of the Government of Argentina 13
XI. Consideration by the United Nations 15
A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples 15
B. Special Political and Decolonization Committee (Fourth Committee) 16
C. Action taken by the General Assembly 18

I. General

1. The Falkland Islands (Malvinas) is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland, which has been on the United Nations list of Non-Self-Governing Territories since 1946, following the transmission by the United Kingdom of the information under Article 73 *e* of the Charter of the United Nations in accordance with General Assembly resolution 66 (I). At the 25th meeting of the Fourth Committee, held on 6 December 1946, at the first session of the General Assembly, the delegation of Argentina expressed a reservation to the effect that the Government of Argentina did not recognize British sovereignty in the Falkland Islands (Malvinas). The delegation of the United Kingdom expressed a parallel reservation that it did not recognize Argentine sovereignty in those islands.

2. The Falkland Islands (Malvinas) comprises two large islands, known as East and West Falkland, and hundreds of smaller islands, with a total area of about 12,173 km^2, situated in the South Atlantic, about 770 km north-east of Cape Horn and about 480 km east of the South American mainland. South Georgia Islands, located about 1,300 km south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, located about 750 km east-south-east of South Georgia Islands, are administered from the Falkland Islands (Malvinas) as a separate Territory; the Governor of the Falkland Islands currently acts concurrently as the Commissioner for South Georgia and the South Sandwich Islands. According to the administering Power, the population of the Falkland Islands (Malvinas) is more than 2,500 (not including residents temporarily absent and civilians working in conjunction with a Ministry of Defence garrison of approximately 1,200 troops from the United Kingdom), the largest population recorded since 1931. A dispute exists between the Government of Argentina and that of the United Kingdom concerning sovereignty over the Falkland Islands (Malvinas), as established by the General Assembly in its resolution 2065 (XX) and subsequent relevant resolutions on the question of the Falkland Islands (Malvinas).

II. Constitutional and political issues

3. The Constitution approved in 2008, which came into force on 1 January 2009 (Statutory Instrument 2008, No. 2846), has been protested by Argentina (see A/63/542, annex I). Under the Constitution, members of the legislature elect a speaker to preside over sessions of the Legislative Assembly. A chief executive is appointed by the Governor in agreement with the Executive Council to serve as head of the public service to implement policy. Questions of policy are considered by the Executive Council, which consists of three members of the Legislative Assembly who are elected annually from their own numbers, in addition to two ex officio members, the Chief Executive and the Financial Secretary, who have no voting rights. The Attorney General and the Commander of British Forces on the Islands have the right to attend meetings of the Executive Council but not to vote. The Governor, who is appointed by the United Kingdom, has ultimate responsibility for matters including external affairs, defence, internal security (including the police) and the administration of justice. Under the terms of the Constitution, the Governor, with the advice and consent of the Legislative Assembly, may make laws

for the peace, order and good governance of the Territory, while full power to make such laws is reserved for the British Crown. In addition, the British Parliament has unlimited power to make laws for all its overseas territories.

4. As previously reported, of the eight members of the Legislative Assembly who were elected on 7 November 2013 for a four-year term, five represent the Territory's urban constituency (Stanley), where the majority of the population live, and three represent the constituency outside the Territory's only town (Camp). There are no political parties and, therefore, all members are elected as independents. Governor Colin Roberts assumed office on 29 April 2014. The next general election for members of the Legislative Assembly is expected to be held in November 2017.

5. During 2016, Argentina and the United Kingdom continued to reiterate their respective positions regarding sovereignty over the Territory (see sections X and XI).

III. Budget

6. The Territory's financial year extends from 1 July to 30 June. According to the administering Power, the 2016/17 operating budget amounted to approximately £63 million. The Territory makes every effort to maintain a balanced budget strategy.

IV. Economic conditions

A. General

7. The real gross domestic product (GDP) of the Falkland Islands (Malvinas) was estimated by the administering Power at £173.4 million in 2014. The per capita GDP in the same year was approximately £63,300. The fishing industry remains the most important sector of the economy (accounting for about 35 to 48 per cent of GDP), with other sectors, such as tourism and livestock production and processing, growing in recent years. According to the administering Power, the oil industry contributed to 15 per cent of GDP in 2014. The Falkland Islands (Malvinas) has a very low rate of unemployment, which was recorded as less than 1 per cent in 2015.

8. The United Kingdom welcomed the joint communiqué dated 13 September 2016 of Argentina and the United Kingdom, in which it had been agreed that appropriate measures would be taken to remove all obstacles limiting the economic growth and sustainable development of the Falkland Islands (Malvinas) including in trade, fishing, shipping and hydrocarbons (see also paras. 12 and 23 below).

9. The Government of Argentina was of the view that, as stated in its press release of 16 September 2016, the joint communiqué reflected "the political intent of the parties to re-establish a dialogue on all matters relating to the South Atlantic, without exclusions, under the sovereignty umbrella formula", and that progress in each issue mentioned in the joint communiqué would require further negotiations (see also para. 24 below).

B. Fisheries and agriculture

10. The species of squid in the genera *Loligo*, or *Doryteuthis*, and *Illex* are the mainstay of the fisheries and economy of the Falkland Islands (Malvinas). It was reported that the total catch of squid in 2016 was 45,705 tons, the seventh largest catch since 2002. According to the administering Power, the Fisheries Department is responsible for administering the fishing sector in the Territory; as the largest contributor to GDP, it accounted for 43.5 per cent of total GDP in 2014, and significant resources are invested to ensure that fish stock is harvested on a sustainable basis.

11. Argentina has denounced the unilateral exploitation of natural resources by the United Kingdom and reiterated its position that both parties should refrain from introducing unilateral modifications in the situation while the Islands were going through the process recommended by the General Assembly, in accordance with General Assembly resolution 31/49 of 1 December 1976 (for consideration by intergovernmental organizations and forums on the topic, see para. 43 below).

12. The United Kingdom maintained its position that the Islanders were entitled to explore for and exploit their natural resources for their own economic benefit, as an integral part of their right to self-determination. To that end, the United Kingdom welcomed the joint communiqué of 13 September 2016 (see also para. 8 above).

13. With regard to agriculture, the acidic and infertile soils of the Falkland Islands (Malvinas), coupled with a windy and cool oceanic climate, naturally limit the cultivation of fields and focus the agriculture sector on rearing animals. The Department of Agriculture is responsible for administering the sector. A part of vegetables consumed in the Islands is produced locally but most other agricultural and food products are imported. The Territory has an ongoing five-year business plan in support of agriculture.

C. Tourism

14. Tourism is a significant contributor to the Territory's economy, at approximately £9 million per year, representing an estimated 7 per cent of GDP. A new tourism development strategy for the Territory for the period 2016-2023 is in place. According to the administering Power, the 2015/16 cruise season closed with a total of 46,476 passenger arrivals, an increase of 30 per cent from the previous season. Land-based tourism rebounded by 57.2 per cent in 2015/16, generating 7,189 overnight visitors.

D. Transport, communications and utilities

15. The Territory has approximately 1,000 km of roads. In addition, a coastal shipping service, a regular ferry service and local air services continued to ensure links between settlements on the eastern, western and outlying islands.

16. In 2016, regular weekly service between Punta Arenas, Chile, and the Falkland Islands (Malvinas) continued to be available, including two monthly stopovers in Rio Gallegos, mainland Argentina, in accordance with the provisions of the joint

statement of 14 July 1999 between Argentina and the United Kingdom. Under the exchange of notes of February 2001 referring to the understanding on private flights and navigation, private flights are authorized, as are a number of medical evacuation flights from the Falkland Islands (Malvinas) to mainland Argentina, Chile and Uruguay. In the joint communiqué of 13 September 2016, in accordance with the principles set out in the joint statement and exchange of letters of 14 July 1999, both sides agreed that further air links between the Falkland Islands (Malvinas) and third countries would be established. In that context, they had agreed upon the establishment of two additional stops per month in mainland Argentina, one in each direction, and the specific details would be defined.

17. In February 2010, in response to hydrocarbon-related activities carried out in waters around the Falkland Islands (Malvinas), Argentina issued Presidential Decree 256/2010 requiring authorization measures for vessels calling at Argentine ports or crossing Argentine waters. In that connection, members of the Southern Common Market (MERCOSUR) and the Union of South American Nations (UNASUR) had previously decided to close their ports to "vessels flying the illegal flag of the Malvinas Islands". In 2016, implementation of those decisions continued.

18. For its part, during 2016, the United Kingdom continued to consider the aforementioned Presidential Decree 256/2010 non-compliant with international law, including the United Nations Convention on the Law of the Sea, and to contend that, under international law, the Islanders had the right to develop their economy, including natural resources, for the Territory's benefit. The United Kingdom continued to emphasize the principle and the right of the Falkland Islanders to self-determination as enshrined in the Charter of the United Nations and in article 1 of the two United Nations Covenants on human rights, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development. The United Kingdom also pointed out that, in the joint communiqué of 13 September 2016, it had been agreed that appropriate measures would be taken to remove all obstacles limiting the economic growth and sustainable development of the Falkland Islands (Malvinas).

19. With regard to telecommunications, according to the administering Power, broadband Internet service was available to 100 per cent of households both in Stanley and in Camp. With respect to utilities, a major wind farm meets approximately 30 per cent of the urban electricity needs. Wind turbines are used in homesteads and small settlements.

E. Environment and hydrocarbons

20. According to the administering Power, the Territory works to uphold a number of environmental treaties and conventions. For its part, Argentina has rejected the territorial application of those treaties and conventions by the United Kingdom on the grounds that the Territory and the surrounding maritime areas are an integral part of Argentina.

21. During 2016, offshore exploration for hydrocarbons continued amid protests from Argentina, other Member States and regional and intergovernmental organizations. In addition, Member States and associate States of MERCOSUR continued to exchange available information concerning any vessels or marine

structures travelling to "the Malvinas Islands, South Georgia Islands and South Sandwich Islands with cargo to be used for illegal hydrocarbon and/or mining activities on the Argentine continental shelf".

22. According to official sources, during 2016, the Energy Secretariat of Argentina continued to carry out administrative proceedings against companies developing unauthorized hydrocarbon exploration activities in the area. Argentina sent advisory letters to companies directly or indirectly involved in those activities (see also para. 43).

23. In 2016, the United Kingdom continued to make clear to Argentina its position that, under international law, the continental shelf did not form part of Argentina; supported the right of the Islanders to develop their natural resources for their own economic benefit as an integral part of their right of self-determination; and rejected the applicability of the domestic legislation of Argentina to those companies engaged in the Islands' hydrocarbon activities. In the view of the United Kingdom, the politically motivated decision by the previous Government of Argentina to target the assets and criminalize the activities of individuals working for international companies involved in the hydrocarbon sector in the area was a wholly unacceptable attempt to exercise extraterritorial jurisdiction and had no legal justification. Furthermore, the United Kingdom considered that it had dangerous implications for global business and the principles of free trade. To that end, the United Kingdom welcomed the joint communiqué of 13 September 2016, in which it had been agreed that appropriate measures would be taken to remove all obstacles limiting the economic and sustainable development of the Falkland Islands (Malvinas), including with regard to hydrocarbons. The United Kingdom considered that the above-mentioned advisory letters to companies were in conflict with the joint communiqué.

24. For its part, Argentina reaffirmed its right to take legal action against the carrying out of unilateral activities in the disputed area, in particular those related to the exploration and exploitation of renewable and non-renewable natural resources, which are contrary to General Assembly resolution 31/49, as recognized by several international forums, such as the Latin American Energy Organization (OLADE) and the Group of 77 and China. Those forums have recognized the right of Argentina to take legal action against non-authorized hydrocarbon exploration and exploitation activities in the area under dispute, which are contrary to the above-mentioned resolution. Argentina regretted that, despite of the joint communiqué of 13 September 2016, the United Kingdom continued to engage in unilateral activities related to the exploration and exploitation of renewable and non-renewable natural resources in the area under dispute (see also para. 9 above and para. 43 below).

25. On 21 April and 11 May 2009, respectively, in accordance with the United Nations Convention on the Law of the Sea, Argentina and the United Kingdom submitted information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea was measured.[1] The Commission on the Limits of the Continental Shelf took into consideration the

[1] For the submission of Argentina, see www.un.org/Depts/los/clcs_new/submissions_files/submission_arg_25_2009.htm. For the submission of the United Kingdom, see www.un.org/depts/los/clcs_new/submissions_files/submission_gbr_45_2009.htm.

relevant communications[2] and the presentations made by Argentina (see CLCS/64, para. 74, and CLCS/76, para. 56) and by the United Kingdom (see CLCS/66, para. 58) and, in its decisions of 2009 and 2010, and reiterated in 2012, the Commission decided that, in accordance with its rules of procedure (CLCS/40/Rev.1), it was not in a position to consider and qualify those parts of the submission made by Argentina that were subject to dispute (see CLCS/64, para. 76, and CLCS/76, para. 57) or the submission made by the United Kingdom (see CLCS/66, para. 60). On 11 March 2016, the Commission approved its recommendations with regard to the submission by Argentina.[3] The recommendations did not address the Falkland Islands (Malvinas), South Georgia Islands and South Sandwich Islands, in accordance with the rules of procedure of the Commission.

V. Social conditions

A. General

26. According to the administering Power, the Territory observes the principles contained in the Universal Declaration of Human Rights. The European Convention for the Protection of Human Rights and Fundamental Freedoms and other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, have been extended to the Falkland Islands (Malvinas) by the administering Power. The right of individual petition to the European Court of Human Rights also has been extended to the Territory.

27. In the communiqué adopted at the fifth meeting of the Overseas Territories Joint Ministerial Council, the United Kingdom and the overseas territories, including the Falkland Islands (Malvinas), agreed to work together to conduct a review of reservations to core United Nations human rights treaties ahead of the preparation of the report of the United Kingdom under the universal periodic review conducted by the Human Rights Council, to be submitted in 2017. They also committed themselves to working together to further develop the capacity of territories' national human rights institutions, where established, in line with the international standards set out in the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), and to deepening understanding of their shared obligations with regard to international human rights.

[2] Notes verbales dated 6 August 2009 and 23 August 2012 from the Permanent Mission of the United Kingdom to the United Nations addressed to the Secretary-General, available from www.un.org/depts/los/clcs_new/submissions_files/arg25_09/clcs_45_2009_los_gbr.pdf and www.un.org/depts/los/clcs_new/submissions_files/arg25_09/gbr_re_arg_2009_2.pdf; and letters dated 20 August 2009 and 8 August 2012 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General, available from www.un.org/depts/los/clcs_new/submissions_files/gbr45_09/arg_re_gbr_clcs_2009e.pdf and www.un.org/depts/los/clcs_new/submissions_files/arg25_09/arg25_arg_2012e.pdf.

[3] See the summary of recommendations of the Commission, available from www.un.org/depts/los/clcs_new/submissions_files/arg25_09/2016_03_11_COM_SUMREC_ARG.pdf.

28. For its part, Argentina has consistently rejected the territorial application by the United Kingdom of the various international instruments mentioned above, in addition to the designation of the Territory as an overseas territory of the United Kingdom or any other similar designation.

B. Public health

29. According to information transmitted by the administering Power, medical and dental treatment is free to all residents under a health agreement. There is one hospital in the Territory, which offers modern facilities with medical, dental and nursing staff, but no resident qualified optician. More complex treatments require medical evacuation.

C. Social security and welfare

30. According to the administering Power, the Falkland Islands Retirement Pensions Ordinance provides for mandatory fixed monthly contributions by all employers and employees between the ages of 17 and 64. A system of social welfare grants and pensions is in place to address cases of hardship and disability.

D. Education

31. Education in the Territory is free and compulsory for all children between the ages of 5 and 16, with access to preschool (nursery) education from the age of 4. According to the administering Power, post-secondary education, including university education, which is not available in the Territory, is funded by the Government of the Falkland Islands (Malvinas). In 2016, 482 schoolchildren were registered, 25 of whom were based in rural areas. There is a 100 per cent enrolment rate for all children of school age in the Islands, and the current teacher/student ratios for primary school and secondary school are 1:19 and 1:7, respectively.

32. According to information provided by Argentina, inhabitants of the Falkland Islands (Malvinas) enjoy equal access to the public education system of Argentina. Additional information on the subject is contained in the most recent report of the Secretary-General on offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (A/72/66, sect. II.B).

VI. Mine clearance and related matters

33. Under the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention), States parties are obliged to clear anti-personnel mines in mined areas within 10 years of the Convention's entry into force, unless an extension is granted under the Convention.

34. In November 2008, the Ninth Meeting of States Parties to the Ottawa Convention granted the United Kingdom an extension until 1 March 2019. According to the administering Power, four phases of demining have been

implemented between 2009 and 2016, during which a total of 35 mined areas were cleared. During the current phase, which commenced in October 2016, at least 46 mined areas are scheduled to be cleared and a technical survey conducted on an additional 27 minefields.

35. Argentina recalled its interpretative declaration at its ratification of the Ottawa Convention in 1999, in which it stated that as the Islands, part of its territory, were under illegal occupation by the United Kingdom, Argentina was effectively prevented from having access to the anti-personnel mines placed on the Islands in order to fulfil the obligations undertaken under the Convention. As previously reported, in December 2009, the second Review Conference of the Ottawa Convention granted the request of Argentina for an extension until 1 January 2020. At the Fifteenth Meeting of States Parties to the Ottawa Convention, held in Santiago from 28 November to 1 December 2016, Argentina stated that it was prevented from having access to the anti-personnel mines on the Islands, which was the only part of the territory of Argentina affected by anti-personnel mines.

VII. Bilateral developments in 2016

36. On 13 September 2016, following the visit to Argentina by Minister of State for Europe and the Americas at the Foreign and Commonwealth Office of the United Kingdom, Alan Duncan, a joint communiqué of Argentina and the United Kingdom was issued, in which a number of items were covered, including the South Atlantic.

37. The joint communiqué included a set of issues of mutual interest, including in the South Atlantic, in the context of improving the bilateral relationship.

38. In December 2016, the Governments of Argentina and the United Kingdom entrusted to the International Committee of the Red Cross, under the sovereignty formula included in paragraph 2 of the joint statement of 19 October 1989, the identification of the unidentified Argentine soldiers buried in Darwin Cemetery. The field operations in the Falkland Islands (Malvinas) are planned to take place during the third quarter of 2017.

VIII. Participation in international organizations and arrangements

39. According to information provided by the administering Power, the Government of the Falkland Islands (Malvinas) attends various Commonwealth forums and is a member of the United Kingdom Overseas Territories Association and the South Atlantic Territories Cooperation Forum. Furthermore, its representatives also participate, as members of the delegation of the United Kingdom, in other international meetings concerning matters affecting the Islanders' interests, to reflect their own views. It is the position of the Government of the United Kingdom that the Islanders should be able to attend all meetings affecting their interests in their own right.

40. Argentina is not a member of the aforementioned organizations. In accordance with the relevant resolutions of the United Nations in which the existence of a sovereignty dispute between Argentina and the United Kingdom is recognized, Argentina reaffirmed the bilateral nature of the question of the Falkland Islands (Malvinas) and consequently rejected any attempt to enable participation of the Islanders on their own.

IX. Consideration by intergovernmental organizations and forums

41. The question of the Falkland Islands (Malvinas) was addressed during a number of meetings held in 2016 and January 2017 by regional and multilateral forums, such as UNASUR (Quito, 23 April 2016, and Caracas, 17 October 2016), the Organization of American States (OAS) (Santo Domingo, 15 June 2016), the Group of 77 and China (Nairobi, 17 July 2016 (see TD/507); and New York, 23 September 2016 (see A/71/422, annex)), the Ibero-American Summit (Cartagena, Colombia, 29 October 2016), OLADE (Quito, 25 November 2016) and the Community of Latin American and Caribbean States (CELAC) (Punta Cana, Dominican Republic, 25 January 2017).

42. In the decisions taken following the above-mentioned meetings by the Group of 77 and China, the Ibero-American Summit, OAS, OLADE and UNASUR, the need for Argentina and the United Kingdom to resume negotiations to find a peaceful solution to the sovereignty dispute was reaffirmed. In addition, CELAC, OLADE and UNASUR, in decisions taken at the above-mentioned meetings, expressed their support for the legitimate rights of Argentina in the sovereignty dispute over the Falkland Islands (Malvinas), South Georgia Islands, South Sandwich Islands and the surrounding maritime areas.

43. CELAC, the Group of 77 and China, the Ibero-American Summit and OLADE, in decisions taken at their respective meetings, reiterated the importance of observing General Assembly resolution 31/49, by which the Assembly called upon the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the Islands were going through the process recommended by the Assembly, with the Group of 77 and China and OLADE recognizing the right of Argentina to take legal action against the non-authorized hydrocarbons exploration and exploitation activities in the areas. Moreover, in its communiqué of 17 October 2016, UNASUR declared that the military exercises by the United Kingdom in the areas was unilateral, illegal and unacceptable and did not contribute to creating the conditions for negotiations.

44. In addition, the Heads of State and Government at the above-mentioned Ibero-American Summit underscored the successive General Assembly resolutions, in which the Assembly had urged the Secretary-General to use his good offices for the resumption of negotiations to find a peaceful solution to the dispute as soon as possible, and, in the decision taken at the aforementioned meeting, CELAC instructed its President Pro Tempore to request the Secretary-General to renew efforts to carry out the good offices mission.

45. Furthermore, in the decisions taken at the above-mentioned meetings of the Ibero-American Summit and UNASUR, the bilateral meetings between the leaders of Argentina and the United Kingdom in January and April 2016 and their disposition to continue the path of open dialogue were welcomed, while recognizing the controversies between the two countries.

46. The United Kingdom is not a member of the aforementioned organizations and has not been represented at any of the aforementioned meetings, with the exception of that of OAS, where it has observer status. The United Kingdom maintained its position that it rejected any suggestion that hydrocarbon exploration amounted to unilateral action on its part and was being carried out in contravention of General Assembly resolution 31/49, supported the Islanders in developing their own economy and future, including their decision to exploit their natural resources, and further rejected any suggestion that military assets in the South Atlantic were subject to reinforcement or that it was allegedly militarizing the region. Furthermore, in the view of the Government of the United Kingdom, none of the aforementioned regional statements or decisions fully reflected the principle or the right of self-determination enshrined in the Charter of the United Nations and in article 1 of the two United Nations Covenants on human rights or the modern relationship between the United Kingdom and its overseas territories. The United Kingdom maintained that regional statements by members of OAS and others, as well as resolutions of the General Assembly, do not modify or dilute the obligation of nations to respect the Islanders' right to self-determination.

X. Future status of the Territory

A. Position of the administering Power

47. The United Kingdom has no doubt about its sovereignty over the Falkland Islands and South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, nor about the principle and the right of the Falkland Islanders to self-determination, as enshrined in the Charter of the United Nations and in article 1 of the two United Nations Covenants on human rights, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development.

48. In a message to the Islanders broadcast on 23 December 2016, the Prime Minister of the United Kingdom, Theresa May, highlighted the Falklands' potential for economic development, and reaffirmed the resolute commitment of her Government to the Islanders' right to self-determination, on which the Islanders had made clear their firm position in the referendum held in 2013.

49. The United Kingdom rejects claims by Argentina that the United Kingdom is militarizing the South Atlantic. The United Kingdom's forces in the South Atlantic are entirely defensive in nature and are at the appropriate level to ensure the defence of the Falkland Islands against any potential threat.

50. The United Kingdom fully supports the legitimate decision of the Falkland Islanders to establish and manage a sustainable fisheries industry and to explore for

hydrocarbon resources in waters around the Falkland Islands in full accordance with international law.

51. The United Kingdom is clear about the historical position on the sovereignty of the Falkland Islands. British sovereignty over the Falkland Islands dates back to 1765, some years before the Republic of Argentina existed.

52. In the communiqué adopted at the fifth meeting of the Overseas Territories Joint Ministerial Council, the Government of the United Kingdom and the leaders of the overseas territories stated that the principle of equal rights and self-determination of peoples, as enshrined in the Charter of the United Nations, applied to the peoples of the overseas territories. They reaffirmed the importance of promoting the right of the peoples of the territories to self-determination, a collective responsibility of all parts of the Government of the United Kingdom. They committed themselves to exploring ways in which the overseas territories could maintain international support in countering hostile sovereignty claims. It was also stated that, should a Territory with a permanent population wish it, the United Kingdom would continue to support its request to be removed from the list of Non-Self-Governing Territories. They agreed that the fundamental structure of their constitutional relationships was the right one — powers were devolved to the elected Governments of the territories to the maximum extent possible consistent with the United Kingdom's retaining those powers necessary to discharge its sovereign responsibilities. They also agreed upon the need to continue their engagement on those issues to ensure that constitutional arrangements worked effectively to promote the best interests of the territories and of the United Kingdom.

53. Furthermore, the Government of the United Kingdom supports the statements made by two members of the Legislative Assembly of the Falkland Islands during the hearing of petitioners at the 9th meeting of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, on 23 June 2016, in which speakers stressed that the Islands were completely self-governing internally; and the Constitution of 2009 guaranteed a full range of protection of fundamental freedoms, including the right to self-determination, the clauses on which mirrored the provisions of the Charter relating to Non-Self-Governing Territories; and recognized that the natural resources of the Falkland Islands belonged to the Government and people of the Falkland Islands, not the United Kingdom; and neither the United Kingdom nor the Falkland Islanders doubted British sovereignty over the Falklands and, the Islanders did not wish to discuss the sovereignty of the Islands; and reiterated the invitation to the Special Committee to send a visiting mission to the Islands (see A/AC.109/2016/SR.9).

B. Position of the Government of Argentina

54. The Government of Argentina reaffirms its imprescriptible sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, all of which are an integral part of its national territory. Argentina maintains that, since its independence from Spain, having inherited the latter's territories in the south of the continent, including the Malvinas

Islands and the other islands in the South Atlantic, Argentina uninterruptedly exercised its rights by proceeding to enact legislation, establishing legal and administrative bodies to consolidate its sovereignty, promoting the development of trade, settling a population and establishing a local administrative office, which culminated in the issuance of the decree establishing the civic and military commandancy of the Malvinas Islands on 10 January 1829, with Luis Vernet being appointed as Commander.

55. The Government of Argentina emphasizes that, on 3 January 1833, the United Kingdom violated the integrity of the Argentine territory and illegally occupied the Islands, removing by force both the population and the legitimate Argentine authorities that had settled there. Since then, the Islands have been subject to a sovereignty dispute between the two countries, recognized by the United Nations through General Assembly resolution 2065 (XX) and by several regional and multilateral forums.

56. In addressing the General Assembly on 20 September 2016, the President of Argentina, Mauricio Macri, reiterated his Government's call for dialogue with the United Kingdom, as called for in many resolutions of the United Nations, so as to amicably resolve the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, stating that they had shown interest in advancing their bilateral relationship, which could and should be mutually beneficial. He stated that it would be possible to find a definitive solution to that prolonged dispute (see A/71/PV.8).

57. By the letter dated 14 October 2016 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General (A/71/553), the Permanent Representative transmitted a note by the Deputy Minister for Foreign Affairs of Argentina in which he reiterated the concern of Argentina regarding military deployments by the United Kingdom in the Malvinas Islands, stating that the situation was creating unnecessary and unjustified tension in the South Atlantic, which has been declared a zone of peace, and that it was a violation of General Assembly resolution 31/49. He also stated that the new unilateral action by the United Kingdom not only contrasted with the permanent willingness of his Government to settle the sovereignty dispute by peaceful means, in accordance with international law and the relevant resolutions of the United Nations, but also jeopardized the development of a constructive dialogue to improve cooperation on all South Atlantic issues of mutual interest, as expressed in the joint communiqué issued by both Governments on 13 September 2016 (see also para. 42 above).

58. In a letter dated 3 January 2017 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General (A/71/743), the Permanent Representative transmitted a press release that stated that the permanent and unrenounceable objective of recovering the full exercise of sovereignty over those territories and maritime areas, in accordance with the principles of international law, while respecting the way of life of the inhabitants of the Malvinas Islands, was enshrined in the first transitional provision of the national Constitution and that this objective was a State policy and reflected the collective desire of the entire Argentine people.

59. Argentina rejects the unilateral acts carried out by the United Kingdom in the area under dispute, in particular those related to the exploration and exploitation of

renewable and non-renewable natural resources, which are contrary to General Assembly resolution 31/49. Argentina calls upon the United Kingdom to refrain from engaging in unilateral acts while the Malvinas Islands, South Georgia Islands, South Sandwich Islands and the surrounding maritime areas are going through the process recommended by the General Assembly.

60. Furthermore, Argentina supports the statements made by Alejandro Betts and Maria Angélica Vernet during the hearing of petitioners at the 9th meeting of the Special Committee, on 23 June 2016, in which they stated, inter alia, that the only way to solve the sovereignty dispute between Argentina and the United Kingdom was to reopen bilateral negotiations and establish a framework for reaching a swift and just resolution that would put an end to the colonialism afflicting Argentina and South American soil in the South Atlantic and appealed to the Special Committee to promote constructive dialogue between the two countries in order to find a peaceful solution to a colonial situation that was an affront to the South American continent, while affirming Argentina's sovereign rights to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas (see A/AC.109/2016/SR.9).

XI. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

61. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 9th and 10th meetings, on 23 June 2016.

62. At those meetings, the Special Committee decided to accede to the requests of the delegations of Algeria, Angola, Argentina, Brazil, Colombia, Costa Rica, the Dominican Republic, El Salvador, Ghana, Guatemala, Honduras, Mexico, Morocco, Namibia, Palau, Panama, Paraguay, Peru, the Solomon Islands, South Africa, Spain, Sri Lanka and Uruguay to participate in the Committee's consideration of the item.

63. At the 9th meeting, during the hearing of petitioners and in line with the usual practice, the Special Committee heard the statements of Michael Summers and Gavin Short of the Legislative Assembly of the Falkland Islands (Malvinas), as well as those of Mr. Betts and Ms. Vernet, which are summarized in paragraphs 53 and 60 above (see also A/AC.109/2016/SR.9).

64. At the 9th meeting, the representative of Chile, also on behalf of Bolivia (Plurinational State of), Cuba, Ecuador, Nicaragua and Venezuela (Bolivarian Republic of), introduced draft resolution A/AC.109/2016/L.7, which the Special Committee subsequently adopted without a vote. In the resolution, the Special Committee reiterated that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) was the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of Argentina and the United Kingdom.

65. At the 9th meeting, statements were made by the representatives of Nicaragua, the Syrian Arab Republic, Ecuador, Bolivia (Plurinational State of), China, Saint

Vincent and the Grenadines, Cuba and Venezuela (Bolivarian Republic of) (on behalf of UNASUR). At the 10th meeting, statements were made by the representatives of Indonesia and the Russian Federation, as well as by the observers for the Dominican Republic (on behalf of CELAC), Uruguay (on behalf of MERCOSUR and in its own national capacity), Guatemala, Brazil, Mexico, Costa Rica, Colombia, Panama, Peru, Paraguay, Honduras and El Salvador (see A/AC.109/2016/SR.9 and A/AC.109/2016/SR.10).

66. At the 9th meeting, the Minister for Foreign Affairs and Worship of Argentina, Susana Malcorra, also made a statement. She stated that the special and particular question of the Malvinas Islands was historical and central to Argentina's foreign policy, as set forth in its Constitution, and reiterated her Government's full willingness to resume negotiations with the United Kingdom in order to find a peaceful and definitive solution to the sovereignty dispute, as called for in resolution 2065 (XX). She stated that self-determination did not apply to the inhabitants of the Malvinas Islands, who were not recognized as a people able to exercise that right under the relevant United Nations resolutions, and that decolonization and self-determination were not synonymous concepts. Looking back at the history of bilateral negotiations for the 16 years following the adoption of resolution 2065 (XX), she stated that the recently elected President of Argentina had told the Prime Minister of the United Kingdom of his readiness to begin a new chapter in relations. She also stated that in her meeting with the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, the first formal meeting between the two foreign ministers in over a decade, they had concluded that their disagreement over the Malvinas Islands should not affect the progress of a positive agenda that included the identification of possible areas of cooperation in the South Atlantic. She hoped that Argentina and the United Kingdom would be able to work creatively and in a spirit of cooperation to address every issue on the bilateral agenda and expected that, as required by resolution 31/49, the United Kingdom would end its unilateral exploration and exploitation of renewable and non-renewable resources in the disputed area (see A/AC.109/2016/SR.9).

B. Special Political and Decolonization Committee (Fourth Committee)

67. At the 2nd and 5th to 7th meetings, on 3, 6, 7 and 10 October 2016, of the Fourth Committee of the General Assembly at its seventy-first session, during the debate on decolonization items, the delegations of Argentina, Bolivia (Plurinational State of), Brazil, China, Chile, Colombia, Costa Rica, Cuba, Ecuador, Dominican Republic (speaking on behalf of CELAC), El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, Sierra Leone, the United Kingdom, Uruguay and Venezuela (Bolivarian Republic of) (also speaking on behalf of UNASUR) addressed the question of the Falkland Islands (Malvinas) (see A/C.4/71/SR.2, A/C.4/71/SR.5, A/C.4/71/SR.6 and A/C.4/71/SR.7).

68. At the 2nd meeting, on 3 October 2016, the representative of the Dominican Republic, speaking on behalf of CELAC, expressed his strong support of the legitimate rights of the Argentine Republic in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the

surrounding maritime area, citing the decision taken at the summit of CELAC, in which it referred to the their interest in the resumption of negotiations by the two States and called upon the Secretary-General to renew his efforts to fulfil the good offices mission, among other things. The representative of the Bolivarian Republic of Venezuela, speaking on behalf of UNASUR, said that the historical and legal aspects of the question of the Malvinas Islands ruled out any solution based on the principle of self-determination, as had been initially recognized in resolution 2065 (XX), and reiterated the content of the declarations and special declaration of UNASUR adopted in 2010, 2012 and 2013 (for more details, see A/65/812, A/66/815, A/67/728 and A/68/856) (see also sect. IX above).

69. At the same meeting, the representative of Argentina stated that resolution 1514 (XV) had made it clear that there was more than one form of colonialism and had established self-determination and respect for territorial integrity as the two principles of decolonization applicable in different situations. He also stated that Argentina could not accept the use of the principle of self-determination to violate the territorial integrity of existing States and referred to the forcible occupation of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the expulsion of the Argentine authorities and population in 1833 by the United Kingdom. He cited the adoption of resolution 2065 (XX) and subsequent substantive negotiations between the two countries and added that, since the 1982 conflict, the United Kingdom had repeatedly refused to resume negotiations, ignoring the calls made by numerous international and regional organizations and forums. He concluded by saying that the joint statement issued by the two Governments in September 2016 reflected their intent to resume dialogue on all aspects of the South Atlantic, under the formula on sovereignty that preserved Argentine rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and reiterated the call upon the United Kingdom to engage in the dialogue (see A/C.4/71/SR.2).

70. At the 7th meeting, on 10 October 2016, the representative of the United Kingdom stated that the relationship of his Government with its overseas territories was a modern one based on partnership, shared values and the right of the people of each Territory to choose to remain British.

71. He went on to say that, since the publication in June 2012 by the Government of the United Kingdom of a white paper entitled *The Overseas Territories: Security, Success and Sustainability*, his Government had worked closely with the overseas territories to further develop those partnerships. At annual meetings of the Overseas Territories Joint Ministerial Council, the United Kingdom and the territories reviewed strategy and commitments and, in 2015, the United Kingdom had affirmed its commitment to the advancement of the peoples of the territories, their just treatment and protecting them from abuses and the importance of promoting their right to self-determination. His Government's fundamental responsibility was to ensure the security and good governance of the territories and their peoples.

72. He further stated that, in the March 2013 Falkland Islands referendum, the overwhelming majority had expressed the wish to remain a British Territory, demonstrating his Government's ongoing commitment to the future development and continued security of the territories in accordance with their wishes. His delegation welcomed the United Kingdom-Argentina joint communiqué of

September 2016, in which Argentina agreed to take appropriate measures to remove all obstacles limiting the sustainable development of the Falkland Islands, including in trade, fishing, shipping and hydrocarbons, as well as agreed that the Falklands were free to set up flight connections with other countries in the region (see A/C.4/71/SR.7).

73. At the 6th meeting, on 7 October 2016, speaking in exercise of the right of reply, the representative of Argentina stated that the joint communiqué of 13 September 2016 reflected the political willingness of both parties to resume dialogue on South Atlantic issues without exclusion and under the formula on sovereignty set out in the joint statement of 19 October 1989. He also stated that progress in each of the areas indicated would require negotiations, understanding and specific agreements, notwithstanding the fact that the suspension of unilateral United Kingdom acts in those areas would help to create a climate conducive to the identification of tangible areas of cooperation on the South Atlantic (see A/C.4/71/SR.6).

74. In addition, the representatives of Argentina and of the United Kingdom, speaking in exercise of the right of reply, reiterated their Governments' respective positions a number of times during the deliberations of the Fourth Committee (see A/C.4/71/SR.2 and 5-7).

C. Action taken by the General Assembly

75. In its resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present working paper, no such notification by a Member State to the Assembly had been received.